

# Exhibit 12

AFFIDAVIT OF CHRISTINA FERNANDEZ

STATE OF UTAH )  
 ) ss:  
COUNTY OF WASHINGTON )

Christina Fernandez, being first duly sworn upon oath, deposes and states:

1. I am competent to testify and have personal knowledge of the matters stated in this affidavit. If called to testify as to the truth of the matters stated herein, I could and would competently do so.
2. I am now and, at all times relevant, have been the St. George City (City) Recorder.
3. My duties include receiving, reviewing, and responding to Utah's Government Records Access and Management Act (GRAMA) requests for public records held by City.
4. I am also responsible for preparing and posting City Council agendas, making and keeping audio recordings of public meetings, which may be regular city council meetings or work meetings, and preparing the corresponding meeting minutes.
5. The City received a GRAMA request from Plaintiff Mitski Avalox and the City responded on or about April 19, 2023 with 88 pages of public records consisting of emails, texts, or social media posts of one or more members of the City Council or Staff.
6. The City received an additional GRAMA request from Ms. Avalox and the City responded on or about May 30, 2023 with 797 pages of public records consisting of emails, texts, or social media posts of one or members of the City Council or Staff.  
The City provided Ms. Avalox with an approximate total of 885 public records.

7. The City Council publicly discussed the challenges the City was facing regarding special events and the over usage of the parks, including wear and tear on the property and grass, requests and approval process for city sponsorship or fee waiver, the City Code's advertising prohibition and 45-day application rule requirement, and/or city events/city sponsored events/reoccurring events, at one or more regular city council or work meeting on the following dates:

1. June 23, 2022 Work Meeting; Discussion Regarding Sponsorship of The Downtown Farmers Market. Discussion on where to locate the market; concerns raised on closing city street, city sponsorship; the issues with moving the market to Vernon Worthen Park. The meeting minutes and audio are found here:

<https://www.sgcity.org/notice/5319>

2. July 14, 2022 Work Meeting; Discussion Regarding the Process for Special Events and Potential Tiers for Insurance Certificates. Discussion between Staff and Council regarding an overview and history of how the special events process had changed prior to the adoption of the 2015 ordinance. City Code Title 3, Chapter 10 was discussed in depth. Discussion how a previous City Council changed the approval process to an administrative function of staff. Staff review the definitions, discussed the 45-day application rule being strictly enforced, but discussion for possible exception for recurring events because they have been reviewed before. Discussion regarding substantial changes of a recurring event, SERC Committee and how the review process works and possible changes to the City Code. Appointing a City Council member to the SERC committee; appeals

processes. The meeting minutes and audio are found here:

<https://www.sgcity.org/notice/5308>

3. July 14, 2022 City Council Meeting; Consider approval to continue sponsorship of the Downtown Farmers Market event taking place each Saturday at their new location on Tabernacle Street between Main Street and 100 West, for a six (6) month trial period from August 6, 2022-February 6, 2023. Discussion to allow the Downtown Farmer's Market to move to Vernon Worthen Park. The meeting minutes and audio are found here: <https://www.sgcity.org/notice/5307>
4. July 28, 2022 Work Meeting; Discussion regarding Insurance Requirements for Special Events. City Council and staff discussion to clarify the discussion on special events from July 14, 2022. Staff would like to have a member of the City Council sit on the Special Event Review Committee (SERC) designated by the Mayor to get emails, see conversations about events, will see in advance all the special events coming through the process, having that person give the rest of the Council a heads up on potentially sensitive special events. Comprehensive list of recurring events sent to Council annually by staff so that Council can ask any questions they have. The Council was okay with staff approving an event application that came in under the 45-day requirement if it was a recurring event with no substantial changes. Staff would like clarification on what a substantial change would be so it could be put in the ordinance – i.e. added police, if they've had a significant liability claim at one of their previous special events, significant increase of attendees, certain increase of the footprint, change of venue. Discussion about staff coming back with definition of "substantial changes" that

would trigger the need for a recurring special event to go back to City Council for approval. Staff wants to remove film events from the definition of a special events for those that are solely a film permit and not part of a special event. Discussion about an exception to the 45 day rule for film permits for shoot or school project that can't schedule out to get the permit application in 45 days before the day of filming and shouldn't be subject to the 45-day deadline. The meeting minutes and audio are found here: <https://www.sgcity.org/notice/5324>

5. August 11, 2022 City Council Meeting. Discussion regarding the Use of Town Square for Special Events discussed for approximately an hour by City Council and staff. Shane Moore, Director of Parks and Community, explained how Town Square is overused. Pictures provided, and 700 lbs of seed applied to the grass. Approximately 27 special events, all large events, were held this year. Discussion about moving non-city sponsored events to other parks. Discussed the conditions of other city parks and the reasons why the public loves Town Square. Discussion about using the Sun Bowl more and what it would take to add a stage there or at Vernon Worthen Park and the possible consequences. Grass at the parks discussed and the reasons why Town Square has growing issues and when to resod. Discussion regarding the challenges of a large event such as St. George Market finding adequate space and parking. The meeting minutes and audio are found here: <https://www.sgcity.org/notice/5366>
6. December 8, 2022 City Council Meeting. Discussion Regarding Special Events. Resodding Town Square or artificial turf. Challenges at Town Square due to overuse. Discussion regarding the uses at Town Square: city events, city

sponsored events, special events; wear out the lawn and needs repair; re-seeding of Town Square and limited uses of Town Square. Plan on bringing fee discussion/sponsorship of events back to City Council in January; advertising of events prior to approval is prohibited; reoccurring events priority to book events; streamline the process regarding sponsorship; penalties and possible ban for violators; substantial changes for reoccurring events. The meeting minutes and audio are found here: <https://www.sgcity.org/notice/5520>

7. January 5, 2023 City Council Meeting; Consider approval to continue sponsorship of the Saint George Market Event taking place March 10-11 and October 20-21 at Town Square and to continue sponsorship of the Downtown Farmer's Market event taking place each Saturday from February 4 through December 16 at Vernon Worthen Park. Discussion regarding the sponsorships and use of Town Square/parks and wear and tear on the grass; moving the event around the park to preserve the grass. The meeting minutes and audio are found here:

<https://www.sgcity.org/notice/5521>

8. March 9, 2023 Work Meeting; Discussion regarding how special events applications are processed from start to finish with staff and council.; city sponsorship and fee waivers for past events and the reason why the fees are being requested to be waived; sponsorship/fee waiver application; other cities fees and processes; metrics to gauge sponsorship; wear and tear on parks and number of events; new software. The meeting minutes and audio are found here:

<https://www.sgcity.org/notice/5568>

9. March 16, 2023 City Council Meeting; Temporary Amendment to Title 3, Chapter 10 of City Code/Ordinance: Consider approval of an ordinance temporarily suspending the permitting or processing of certain special event permits under title 3, chapter 10 of the city code. Background and recommendation: Title 3, Chapter 10 of the City Code governs the use of public facilities and permitting of special events at these facilities. It has been determined that the use of public facilities for special events has increased in recent years to the point that maintenance of the facilities is becoming more difficult. Public facilities should be available to the public and should not be over encumbered by special events. The proposed ordinance suspends new event applications in or on city facilities and changes the definition of "special event" and would be in effect immediately upon publication and/or posting as required by law and shall be effective for a period of no greater than six (6) months. During the temporary suspension, staff will study all impacts of events held at city facilities. Staff recommends approval of the ordinance temporarily suspending the permitting or processing of certain special event permits under Title 3, Chapter 10 of the City Code. The meeting minutes and audio are found here: <https://www.sgcity.org/notice/5569>
10. April 6, 2023 City Council Meeting; Amend ordinance no. 2023-03-03/ordinance: Consider approval of an ordinance amending ordinance no. 2023-03-003 adopting a temporary regulation suspending the permitting or processing of special event permits under title 3, chapter 10 of the city code. Background and recommendation: the city council adopted ordinance 2023-03-003 temporarily

restricting new applications for special event permits on city owned or public property. In imposing the temporary restrictions other issues have arisen regarding application of the existing ordinance which the council would like to address with this amendment. Staff recommends approval of the ordinance. The meeting minutes and audio are found here: <https://www.sgcity.org/notice/5616>

11. June 8, 2023 Work Meeting: Discussion regarding changes to City code pertaining to special events. The meeting agenda is found here:

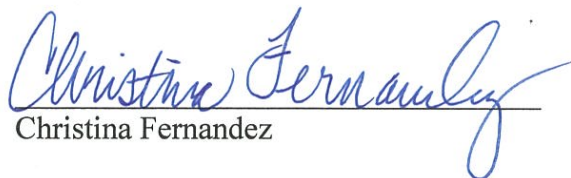
<https://www.sgcity.org/notice/5652>

FURTHER AFFIANT SAYETH NAUGHT

(SIGNATURES TO FOLLOW ON NEXT PAGE)

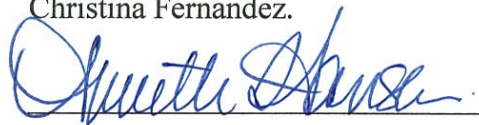


DATED: June 8, 2023.

  
Christina Fernandez

SUBSCRIBED AND SWORN to (or affirmed) before me this 8<sup>th</sup> day of June 2023, by

Christina Fernandez.



NOTARY PUBLIC

(stamp)

